

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

CHRISTOPHER C JOHNSON,	)	Case No.: 3:24-cv-05071-TMC
	)	
Plaintiff,	)	DEFENDANT, AMSHER COLLECTION
	)	SERVICES, INC.'s ANSWER AND
vs.	)	AFFIRMATIVE DEFENSES TO
	)	COMPLAINT
AMSHER COLLECTION SERVICES,	)	
INC.;	)	Judge Tiffany Cartwright
	)	
Defendants.	)	

NOW COMES Defendant AmSher Collection Services, Inc. ("AmSher") by and through undersigned counsel, and for its Answer and Affirmative Defenses to Plaintiff's Complaint, states as follows:

**INTRODUCTION**

1. AmSher admits that Plaintiff purports to bring this lawsuit for violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, et seq., but denies any and all damages, liability and/or violations to the extent alleged in ¶ 1.

Answer to Complaint, No. 3:24-cv-05071-TMC

SESSIONS, ISRAEL & SHARTLE, LLC  
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Metairie, LA 70002  
(504) 846-7932

**BASIS OF JURISDICTION**

2. AmSher denies plaintiff has standing to sue in this Court and as such denies subject matter jurisdiction. AmSher admits that its business activities include conduct in the State of Washington but otherwise denies the allegations in ¶ 2 as stated.

3. AmSher denies plaintiff has standing to suit in this Court and as such denies subject matter jurisdiction.

**PARTIES**

4. AmSher denies the allegations in ¶ 4 for lack of knowledge or information sufficient to form a reasonable belief therein and as calling for a legal conclusion.

5. AmSher admits that is a foreign corporation with a registered agent Corporation Service Company. Except as specifically admitted, AmSher denies the allegations in ¶ 5.

6. AmSher denies the allegations in ¶ 6.

**FACTUAL ALLEGATIONS**

**Existence of a Consumer Report**

7. AmSher denies the allegations in ¶ 7 for lack of knowledge or information sufficient to form a belief therein.

**Defendant's Access to the Consumer Report**

8. AmSher denies the allegations in ¶ 8 for lack of knowledge or information sufficient to form a belief therein.

1           9.     Exhibit A speaks for itself and is the best evidence of its contents. To the  
2 extent the allegations in ¶ 9 state otherwise, they are denied.  
3

4                           **Lack of Permissible Statutory Purpose**

5           10.    AmSher denies the allegations in ¶ 10.

6           11.    AmSher denies the allegations in ¶ 11.

7           12.    AmSher denies the allegations in ¶ 12.

8           13.    AmSher denies it lacked a permissible purpose for the alleged credit report  
9 inquiry and denies the remaining allegations in ¶ 13 for lack of knowledge or  
10 information sufficient to form a reasonable belief therein.  
11

12           14.    AmSher denies the allegations in ¶ 14 as stated.

13           15.    AmSher denies the allegations in ¶ 15 for lack of knowledge or  
14 information sufficient to form a reasonable belief therein.  
15  
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17                           **Requisite Mental State (Willfulness)**

18           16.    AmSher admits that it is aware of its obligations under the FCRA, but  
19 denies any violations to the extent alleged in ¶ 16.  
20

21           17.    AmSher denies the allegations in ¶ 17.

22           18.    AmSher denies the allegations in ¶ 18.

23                           **Damages**

24           19.    AmSher denies the allegations in ¶ 19.

25           20.    AmSher denies the allegations in ¶ 20.

26           21.    AmSher denies the allegations in ¶ 21.  
27  
28

22. AmSher denies the allegations in ¶ 22.

23. AmSher denies the allegations in ¶ 23.

24. AmSher denies the allegations in ¶ 24.

25. AmSher denies the allegations in ¶ 25.

26. AmSher denies the allegations in ¶ 26.

27. AmSher denies the allegations in ¶ 27.

**COUNT I: ALLEGED VIOLATION OF THE FAIR CREDIT REPORTING ACT  
15 U.S.C. § 1681b(f) DEFENDANT AMSHER COLLECTION SERVICES, INC.**

28. AmSher reasserts the foregoing as if fully stated herein.

29. AmSher denies the allegations in ¶ 29 for lack of knowledge or information sufficient to form a belief therein.

30. AmSher denies the allegations in ¶ 30 for lack of knowledge or information sufficient to form a reasonable belief therein.

31. AmSher denies the allegations in ¶ 31.

32. AmSher denies the allegations in ¶ 32.

33. AmSher denies the allegations in ¶ 33.

34. AmSher admits that it is aware of its obligations under the FCRA, but denies any violations thereof to the extent alleged in ¶ 34.

35. AmSher denies the allegations in ¶ 35.

36. AmSher denies the allegations in ¶ 36.

37. AmSher denies the allegations in ¶ 37.

**COUNT II: INVASION OF PRIVACY (INTRUSION UPON SECLUSION)**  
**DEFENDANT AMSHER COLLECTION SERVICES, INC.**

38. Amsher denies the allegations in ¶ 38.

39. AmSher denies the allegations in ¶ 39.

40. AmSher denies the allegations in ¶ 40.

**JURY DEMAND AND PRAYER FOR RELIEF**

AmSher denies that plaintiff is entitled to the relief sought.

**AFFIRMATIVE DEFENSES**

AND NOW, in further response to plaintiff's Complaint, AmSher avers:

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff suffered no injury in fact and lacks standing to sue in this Court.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff's common law claims are preempted by the Fair Credit Reporting Act, 15 U.S.C. 1681, *et seq.*

**THIRD AFFIRMATIVE DEFENSE**

If it should be determined that Plaintiff has been damaged, then AmSher alleges such damage was not caused by AmSher, but was proximately caused or contributed to by the conduct of others for whom AmSher is not responsible or liable.

**FOURTH AFFIRMATIVE DEFENSE**

Assuming plaintiff suffered any damages, he has failed to mitigate his damages or take other reasonable steps to avoid or reduce his damages.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff lacks standing and/or should be collaterally estopped from asserting one or more claims because he failed to adequately disclose them in a prior bankruptcy.

**SIXTH AFFIRMATIVE DEFENSE**

One or more of plaintiff's claims is barred by the applicable statute of limitations.

WHEREFORE, AmSher respectfully requests that:

1. Plaintiff take nothing by way of his Complaint;
2. Judgment of dismissal be entered in favor of AmSher;
3. AmSher be awarded costs and attorney's fees incurred in defending this lawsuit to the extent allowed by law.
4. AmSher be granted such other and further relief as the Court deems just and proper.

Dated: February 21, 2024

/s/ Nicolas M. Bell

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